
Subject: Confidentiality of WIC Program Information

Effective Date: October 1, 2015

Revised from: March 1, 2014

Policy: The WIC Program shall restrict the use or disclosure of information obtained from program applicants and clients to:

1. persons directly connected with the administration or enforcement of the program, including persons investigating or prosecuting violations in the WIC Program under federal, state or local authority; or
2. representatives of public organizations that administer health or welfare programs which serve persons categorically eligible for the WIC Program, as designated by the State Health Officer. The State Agency (SA) or Local Agency (LA) shall execute a written agreement with each such designated organization that specifies that the receiving organization may use WIC Program information only for the purpose of;
 - a. Establishing the eligibility of WIC clients for the health or welfare programs that it administers.
 - b. Conducting outreach to WIC clients for such programs.
 - c. Enhancing the health, education or well-being of WIC applicants or clients who are currently enrolled in such programs.
 - d. Streamlining administrative procedures in order to minimize burdens on staff, applicants, or clients in either the receiving program or the WIC program.
 - e. Assessing and evaluating the responsiveness of a State's health system to client's health care needs and health care outcomes.
3. The written agreement must also contain the receiving organization's assurance that it will not use the information for any purposes other than those listed above and that it will not, in turn, disclose the information to a third party.

Food & Nutrition Services (FNS) of USDA reserves the right to use information obtained under the Program in a summary, statistical or other form that does not identify particular individuals.

FNS may require the SA or LA to supply medical data and other information collected under the program in a form that does not identify particular individuals, to enable USDA or the SA to evaluate the effect of food intervention upon low-income individuals determined to be at nutritional risk.

Reference: CFR §246.7 (i)(10) and (11) and §246.26

Procedure: To comply with confidentiality procedure, each LA shall:

1. to the extent possible given structural limitations, provide privacy to each client when determining program eligibility and when providing nutrition counseling;
2. not provide a client's information, i.e., name, address, telephone number, etc., to anyone, including a vendor who wishes to contact a client who has failed to sign a WIC check that the vendor accepts. Refer to the Vendor Procedures Manual for additional information regarding WIC checks;

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3. ensure that individual confidentiality is maintained if WIC Program information is released to the public or other agencies, which includes;
 - a. receiving each client's written consent before allowing another agency or organization to contact clients or to receive any information about the clients. The release of information statement that appears on the Rights and Responsibilities form states: "My WIC information may be released to these programs to see if I qualify for their services, to conduct outreach, to share needed health information with programs I am already participating in, to streamline office procedures, and to help assess the overall health of Kansas families. The programs are: Other state and local WIC programs, Maternal & Child Health, School Health, Family Planning, Statewide Farmworker Health, Maternal and Infant, Healthy Start/Home Visitor, Immunizations, Special Health Care Needs, Infant Toddler, Parents as Teachers, Kansas Childhood Lead Poisoning Prevention, Head Start, KanCare, Temporary Assistance for Needy Families, Kansas Food Assistance, Medicaid, KAN Be Healthy, Dept. of Education Child Wellness Programs, Expanded Food Nutrition Education Programs, and Military Family Support Services. "
 - b. removing all identifiers such as, name, address, phone, birth date, etc., when another agency or organization requests general WIC data; and
 - c. obtaining the client's written permission to release their personal information to any program or person that is not listed in the Rights and Responsibilities.
4. prior to releasing confidential information, the SA or LA, whichever is most appropriate, shall enter into a written agreement with the organization to whom the information is to be released.
5. the LA will obtain SA review and approval prior to entering into an agreement to release confidential information. Copies of such agreements will be retained on file at both the LA and the SA.